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Paper No. 8

MOTOROLA, INC.  
1303 EAST ALGONQUIN ROAD  
IL01/3RD  
SCHAUMBURG IL 60196

**COPY MAILED**

**JUL 01 2002**

**OFFICE OF PETITIONS**

In re Application of :  
William Michael Bondy, Wesley Stuart Jones, :  
Shmuel Silverman, Bruce Martin Wiatrak, :  
Raymond M. Liss, Timothy L. Moran, Howard :  
Nodell, and Robert Gerald Hug :  
Application No. 09/827,224 :  
Filed: April 5, 2001 :  
Attorney Docket No. CE08166R :  
Title: COMMUNICATION NETWORK :  
WITH A COLLECTION GATEWAY AND :  
METHOD FOR PROVIDING :  
SURVEILLANCE SERVICES :

DECISION ON RENEWED PETITION  
UNDER 37 C.F.R. §1.47(a)

This is in response to the renewed petition under 37 C.F.R. §1.47(a)<sup>1</sup>, filed February 13, 2002.

The above-identified application was filed on April 5, 2001, identifying William Michael Bondy, Wesley Stuart Jones, Shmuel Silverman, Bruce Martin Wiatrak, Raymond M. Liss, Timothy L. Moran, Howard Nodell, and Robert Gerald Hug as joint-inventors. On May 14, 2001, applicant was mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (Notice), requiring an executed oath or declaration in compliance with §1.63<sup>2</sup> and a surcharge for This Notice set a two-month period for reply.

<sup>1</sup> A grantable petition under 37 C.F.R. §1.47(a) requires:

- (1) the petition fee of \$130;
- (2) a surcharge of either \$65 or \$130 if the petition is not filed at the time of filing the application;
- (3) a statement of the last known address of the non-signing inventors;
- (4) proof that diligent efforts have been made to locate the non-signing inventor
- (5) a declaration which complies with 37 CFR §1.63.

<sup>2</sup> The oath or declaration was not signed by inventor Moran.

In reply, the applicant filed the original petition<sup>3</sup>, along with a declaration of Karen Kass (an administrative assistant in the law department of the purported assignee).

This petition was dismissed in a decision mailed on February 13, 2002, for failure to meet the fifth requirement above. The submitted declaration has numerous un-initialed changes, several inventors are crossed out, and the declaration does not correctly list the order of inventors<sup>4</sup>. As such, it is not possible to determine from the declaration who the actual inventors are. It was indicated that a clean copy of the declaration would be required.

With this renewed petition, petitioner has submitted a declaration which contains the signature of the previously non-signing inventor, thus proposing joinder of the formerly non-signing inventor. Unfortunately, this declaration contains the same defects found in the previously submitted declaration, and a new declaration which complies with 37 CFR §1.63 is required.

Therefore, this renewed petition under 37 C.F.R. §1.47(a) is **DISMISSED**.

Your response to this letter *must* be submitted within ONE (1) MONTH from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The response should include a cover letter entitled "Second Renewed Petition under 37 C.F.R. §1.137(b)."

Once this opportunity has passed, *there will be no further reconsideration of this matter.*

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents  
Box DAC  
Washington, DC 20231

By FAX: (703) 308-6916  
Attn: Paul Shanowski, Office of Petitions

By hand: Office of Petitions  
2201 South Clark Place  
Crystal Plaza 4, Suite 3C23  
Arlington, VA 22202

Telephone inquiries specific to this decision should be directed to Petitions Attorney Paul Shanowski at (703) 305-0011.

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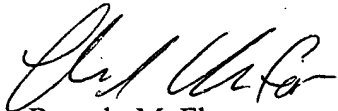
<sup>3</sup> The original petition was filed on August 20, 2001.

<sup>4</sup> As indicated previously, an example of this can be seen with inventors Corner and Hug, who are both listed as the eighth inventor, while Nodell, Silverman, Wiatrak, and Moran are all designated as the third inventor).

Further correspondence with respect to this matter should be addressed as follows:

By mail:	Commissioner for Patents Box DAC Washington, D.C. 20231
By FAX:	(703) 308-6916 Attn: Office of Petitions
By hand:	Crystal Plaza Four, Suite 3C23 2201 S. Clark Place Arlington, VA 22202

Telephone inquiries regarding this decision should be directed to Petitions Attorney Paul Shanowski at (703) 305-0011.



Beverly M. Flanagan  
Supervisory Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy